

Stephen Block

*New York Certified Gambling Treatment Counselor
Past President, New York Council On Problem Gambling*

January 17, 2008

Mr. Gus Centrone
Lauro Law Firm
Bank of America Plaza
101 E. Kennedy Blvd.
Suite 3100
Tampa, FL 33602

Dear Mr. Centrone,

The enclosed evaluation and reported was prepared upon a request by your office and is based upon an interview conducted with your client, Timothy Donaghy.

Stephen Block, NYCGTC

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Staten Island, NY 10308

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EXHIBIT A

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Assessment and Evaluation

The purpose of this report is to assess and evaluate the gambling history and behavior of Mr. Timothy Donaghy. Widely accepted gambling assessment tools and a narrative interview were utilized to determine Mr. Donaghy's pattern of gambling and whether a diagnosis of Pathological Gambling could be applied to him.

Qualifications of Evaluator

I have worked with problem and compulsive gamblers for over 32 years. For many years I worked at the Gamblers Treatment Center, an outpatient program administered by St. Vincent's Catholic Medical Center in New York City. I presently work for the SAFE Foundation, a privately operated addiction treatment program in Brooklyn, NY as a gambling treatment counselor. I am a founding member and past president of the New York Council On Problem Gambling, an organization dedicated to raising public awareness about problem gambling throughout New York State. I have conducted seminars and presentations throughout the United States on this issue and have trained other treatment professionals seeking certification. In addition to working with voluntary clients, I continue to work with the New York State Dept. of Probation, Division of Parole and the United States Pretrial Services and United States Probation and Parole Division in the Eastern and Southern Districts of New York evaluating and treating their clients. The Honorable Jack B. Weinstein, Senior District Judge, Eastern District of New York, under Rules 702, 703 Federal Rules of Evidence, acknowledged me as an expert witness (U.S. vs. Liu). In November 2003, I was appointed to serve on a New York State Assembly Task Force on Mental Health whose mission was to determine how government resources could be applied to serve all New Yorkers who are in need of mental health, substance abuse and gambling treatment services.

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Narrative support of positive answers of DSM-IV assessment:

1. Answered no
2. The amounts of money Mr. Donaghy' wagered progressed as evidenced by his eventually playing golf for up to \$500 per hole. The amounts he bet on sports also increased.
3. Mr. Donaghy made several attempts to stop gambling but was unable to keep away for any extended period of time.
4. Answered no
5. Gambling is a way to medicate oneself from the stress and pressures of everyday life. Mr. Donaghy's gambling in the latter stages was a response to the stressors created by his illegal gambling behavior; This paradoxical outcome is typical of the pathological gambler.
6. A unique feature of this addiction is the "chasing behavior." Gamblers continue to gamble to "get even" and to provide money for future wagers. Mr. Donaghy's early gambling was a social activity with friends that provided some element of enjoyment and excitement. When Mr. Donaghy lost, he felt a need to get even and gamble even more. It was no longer enjoyable or exciting.
7. Mr. Donaghy concealed the extent of his gambling from family and friends. His parents and wife knew he gambled socially, but were unaware of the extent.
8. The offenses that Mr. Donaghy is accused of are directly connected to gambling. Mr. Donaghy has no history of illegal activities before his gambling.
9. Mr. Donaghy has experienced significant losses in several areas of his life due to his gambling behavior. His employment of 16 years as a professional referee including a 13 year NBA career ended. His wife of 12+ years filed for divorce. Marriage. His reputation and the respect of friends and family have been compromised.
10. Answered no

South Oaks Gambling Screen (SOGS)

In addition to the DSM-IV, the SOGS was administered to Mr. Donaghy. He scored 6 on this assessment test where a score of 5+ indicates probable pathological gambler. His positive answers were to the following questions:

1. When you gamble, do you go back another day to win back money you lost? YES
2. Did you ever gamble longer than you had planned? YES
3. Have you ever felt guilty about the way you gamble, or what happens when you gamble? YES
4. Have you ever hidden betting slips or other signs of gambling from your spouse or other important people in your life? YES

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Interview

The interview with Mr. Donaghy was conducted at my Brooklyn office on January 9, 2008.

Gambling History

Mr. Donaghy has a long history of gambling dating back to 1994. Mr. Donaghy's initial gambling activities centered on playing golf for various types of wagers with friends and business associates. He played golf and gambled at several different country clubs in Pennsylvania while he was living there. His betting escalated to the point of playing for up to \$500 per hole. Mr. Donaghy also engaged in card games at the country club. He reported gambling at various casinos playing blackjack but limited these trips due to his concern about being seen in public gambling. The NBA has rules about referees gambling even though many referees apparently do so. Sometime in 2001, Mr. Donaghy renewed a social relationship with an old acquaintance at the country club. This individual was gambler who bet on sports through a bookmaker. At some subsequent time, Mr. Donaghy began placing bets on football and baseball through this acquaintance. This relationship resulted in the activities for which Mr. Donaghy is accused of participating including betting on NBA basketball games.

Gambling Assessment

The DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, fourth edition, American Psychiatric Association) Pathological Gambling assessment was conducted with Mr. Donaghy with the following result. Mr. Donaghy scored 7/10 where a score of 5+ would indicate a diagnosis of Pathological Gambling (DSM-IV 312.31). These questions address the ten diagnostic criteria indicated in the DSM-IV to confirm diagnosis of Pathological Gambling. The clinical indicators are:

1. Preoccupation
2. Tolerance
3. Repeated unsuccessful attempts to cut back or stop gambling
4. Restlessness and irritability when attempting to cut back or stop
5. Gambling to escape from problems or to relieve a dysphoric mood
6. After losing money, often returns to get even (chasing behavior)
7. Lies to conceal extent of gambling
8. Committed illegal acts to finance gambling
9. Jeopardized or lost significant relationship, job or educational or career opportunity because of gambling
10. relies on others to provide money to relieve a desperate financial situation caused by gambling

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5. Have you ever argued with people you live with over gambling? YES
6. Have you ever felt like you would like to stop gambling, but didn't think you could?
YES

Assessment Conclusions

The results of this assessment indicate that Mr. Donaghy satisfies the DSM-IV diagnosis of Pathological Gambling (DSM-IV 312.21). His behavior is indicative of the persistent, progressive nature of pathological gambling. His gambling history demonstrates the need to gamble to fulfill the underlying need for "action." He continued to gamble despite the consequences and the fear of disclosure of his activities. Mr. Donaghy has experienced depression and anxiety and other health problems as a result of his gambling and is presently taking medication managing his symptoms. Mr. Donaghy's involvement with illegal activities was a direct result of his gambling behavior. In my professional opinion, Mr. Donaghy would have never committed these offenses if he was not a pathological gambler. His judgment and insight were impaired by his gambling behavior. Pathological gambling is classified as an impulse control disorder and his history indicates an inability to control his impulse to gamble.

Recommendations:

Mr. Donaghy has benefited by his gambling treatment. He has been seen on a regular basis since August 2007 by a gambling treatment specialist and has not gambled since May of 2007. In addition, he began attending Gamblers Anonymous meetings in December 2007 on a weekly basis and is deriving benefit from the fellowship. Mr. Donaghy has expressed remorse for his actions and regrets putting his family through the emotional and financial burdens created by his behavior. His gambling has caused devastation in many areas of his life. His family relationships, his career, his reputation, his finances, and his freedom have been adversely affected. Continued professional treatment would benefit Mr. Donaghy in his recovery.

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Professional Experience

October 2003 – Present
S.A.F.E., Brooklyn, New York
Addiction Specialist

- Counsel problem and compulsive gamblers and substance abusers, individually and in groups, in a community-based outpatient treatment center

December 1995 – July 2007
Gamblers' Treatment Center, Staten Island, New York
Counselor/Outreach and Education Specialist

- Counsel problem and compulsive gamblers and significant others, individually and in groups, in a state-funded outpatient treatment program
- Assess, evaluate and provide treatment to probation and parole clients
- Prepare forensic reports and provide testimony in State and Federal Courts in gambling related cases
- Certified as an Expert Witness on Pathological Gambling – U.S. District Court EDNY
- Provide education and prevention presentations to interested groups including schools, professional organizations, community groups, treatment programs, unions, employee assistance programs
- Consulted on original RFP and program development in 1981
- Conducted group at senior residence on compulsive behavior (alcohol, drugs, gambling)
- Individual relapse prevention work with recovering MICA clients
- Member, Medical Center Outreach Committee
- Lecturer, Family Addiction Series, Bayley Seton Hospital

June 1994 – December 1995
St. Vincent's Day Treatment Program, Staten Island, New York
Counselor

- Conducted groups for MICA clients (psycho-educational, assertiveness training, exercise and relaxation, stress reduction, relapse prevention, double recovery, anger management)
- Case management
- Member, Trauma Treatment Committee

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Professional Activities

- Founding Board Member, New York Council on Problem Gambling
- Past President, Board of Directors, New York Council on Problem Gambling
- Founding Member, Association of Problem Gambling Professionals, New York State
- Chairman, Gambling Curriculum Development Think Tank, NY State
- Presenter at New York, New Jersey and national conferences
- Member, State Assembly Task Force on Mental Health, appointed by Assemblyman Peter Rivera, Chair of Mental Health Committee
- Certified as trainer and supervisor of New York Gambling Treatment Counselor Certification Training

Professional Memberships

- New York Council on Problem Gambling
- National Council on Problem Gambling
- Compulsive Gambling Council of New Jersey
- Association of Professionals Treating Problem Gamblers, New York
- Association of Problem Gambling Professionals, New Jersey

Certification

- NYCGTC – New York Certified Gambling Treatment Counselor
- NYCGTS – New York Certified Gambling Treatment Supervisor
- NCGC – Nationally Certified Gambling Counselor
- CCGC – Certified Compulsive Gambling Counselor

Education

- B.A. in Sociology, Brooklyn College, 1968
- CAC courses (250 hours) St. John's University
- Relapse Prevention Certificate Course – CENAPS Institute